United Nations A/CN.9/793

General Assembly

Distr.: General
14 April 2014

Original: English

United Nations Commission on International Trade Law
Forty-seventh session
New York, 7-18 July 2014

Provisional agenda, annotations thereto and scheduling of meetings of the forty-seventh session

I. Provisional agenda

1. Opening of the session.
2. Election of officers.
3. Adoption of the agenda.
4. Consideration of issues in the area of arbitration and conciliation:
   (a) Finalization and approval of a draft convention on transparency in treaty-based investor-State arbitration;
   (b) Establishment and functioning of the transparency repository;
   (c) Preparation of a guide on the 1958 New York Convention;
   (d) International commercial arbitration moot competitions.
5. Micro-, small- and medium-sized enterprises: progress report of Working Group I.
6. Online dispute resolution: progress report of Working Group III.
7. Electronic commerce: progress report of Working Group IV.
8. Insolvency law: progress report of Working Group V.
9. Security interests: progress report of Working Group VI.
10. Technical assistance to law reform.
11. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts.
12. Status and promotion of UNCITRAL legal texts.

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13. Coordination and cooperation:

    (a) General;

    (b) Coordination and cooperation in the field of security interests;

    (c) Reports of other international organizations;

    (d) International governmental and non-governmental organizations invited to sessions of UNCITRAL and its Working Groups.

14. UNCITRAL regional presence.

15. Role of UNCITRAL in promoting the rule of law at the national and international levels.

16. Planned and possible future work.

17. Relevant General Assembly resolutions.

18. Other business.

19. Date and place of future meetings.

20. Adoption of the report of the Commission.

II. Annotations

1. Opening of the session

1. The forty-seventh session of the Commission will be held at the United Nations Headquarters in New York, from 7 to 18 July 2014.[1] The session will be opened on Monday, 7 July 2014, at 10:30 a.m. (see below, section III, paras. 69-73, for more details about the scheduling of meetings). As at 7 July 2014, the United Nations Commission on International Trade Law will be composed of the following member States: Algeria (2016), Argentina (2016), Armenia (2019), Australia (2016), Austria (2016), Belarus (2016), Botswana (2016), Brazil (2016), Bulgaria (2019), Cameroon (2019), Canada (2019), China (2019), Côte d'Ivoire (2019), Colombia (2016), Croatia (2016), Denmark (2019), Ecuador (2019), El Salvador (2019), Fiji (2016), France (2019), Gabon (2016), Georgia (2015), Germany (2019), Greece (2019), Honduras (2019), Hungary (2019), India (2016), Indonesia (2019), Iran (Islamic Republic of) (2016), Israel (2016), Italy (2016), Japan (2019), Jordan (2016), Kenya (2016), Kuwait (2019), Liberia (2019), Malaysia (2019), Mauritania (2019), Mauritius (2016), Mexico (2019), Namibia (2019), Nigeria (2016), Pakistan (2016), Panama (2019), Paraguay (2016), Philippines (2016), Poland (2016), Republic of Korea (2019), Russian Federation (2019), Sierra Leone (2019), Singapore (2019), Spain (2016), Switzerland (2019), Thailand (2016), Turkey (2016), Uganda (2016), United Kingdom of Great Britain and Northern Ireland (2019), United States of America (2016), Venezuela (Bolivarian Republic of) (2016) and Zambia (2019).

[1] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 351.

2. Member States not members of the Commission, non-Member States having received a standing invitation to participate as observer in the sessions and the work of the General Assembly and international governmental organizations may attend the session as observers and participate in the deliberations. In addition, invited international non-governmental organizations may attend the session as observers and represent the views of their organizations on matters where the organization concerned has expertise or international experience so as to facilitate the deliberations at the session.

2. Election of officers

3. Pursuant to a decision taken by the Commission at its first session, the Commission elects, for each session, a Chairperson, three Vice-Chairpersons and a Rapporteur.

4. Consideration of issues in the area of arbitration and conciliation

(a) Finalization and approval of a draft convention on transparency in treaty-based investor-State arbitration

4. At its forty-sixth session, in 2013, the Commission adopted the UNCITRAL Rules on Transparency in Treaty-based Investor-State Arbitration (the "Rules on Transparency"), together with the UNCITRAL Arbitration Rules (with new article 1, para. 4, as adopted in 2013).[2] At that session, the Commission recorded consensus to entrust the Working Group with the task of preparing a convention on the application of the Rules on Transparency to existing investment treaties (the "transparency convention"), taking into account that the aim of the convention was to give those States that wished to make the Rules on Transparency applicable to their existing investment treaties an efficient mechanism to do so, without creating any expectation that other States would use the mechanism offered by the convention.[3] Accordingly, at its sixtieth session (New York, 3-7 February 2014), the Working Group completed its second reading of the draft convention on transparency. The Secretariat was requested to circulate the draft convention on transparency to Governments for their comments, with a view to consideration and approval of the draft convention by the Commission at its forty-seventh session (A/CN.9/799, para. 13).

5. At its forty-seventh session, the Commission will have before it the reports of the fifty-ninth and sixtieth sessions of the Working Group (A/CN.9/794 and A/CN.9/799, respectively). The Commission will also have before it the following documents: (a) a note by the Secretariat containing the draft convention on transparency in treaty-based investor-State arbitration (A/CN.9/812); and (b) a compilation of comments by Governments relating to the draft convention on transparency (A/CN.9/813 and addenda).

(b) Establishment and functioning of the transparency repository

6. For their implementation, the Rules on Transparency require the establishment of a repository to publish information under the Rules (article 8). The Commission

[2] Ibid., para. 128 and annexes I and II.

[3] Ibid., para. 127.

may wish to recall that, at its forty-sixth session, in 2013, it expressed its strong and unanimous opinion that the UNCITRAL secretariat should fulfil the role of the transparency repository.[4] It was said that the United Nations, as a neutral and universal body, and its secretariat, as an independent organ under the Charter of the United Nations, should be expected to undertake the core functions of a repository under the Rules on Transparency, as a public administration directly responsible for the servicing and proper operation of its own legal standards.[5] The Commission requested the Secretariat to report to the Commission at its next session on the status of the establishment and functioning of the transparency repository.[6] The General Assembly, by paragraph 3 of its resolution 68/106, invited the Secretary-General to consider performing, in accordance with article 8 of the Rules on Transparency, the role of the transparency repository through the secretariat of the Commission, and requested the Secretary-General to report to the General Assembly and the Commission in this regard.

7. Accordingly, the Secretariat has undertaken that function as from 1 April 2014 and, at its forty-seventh session, the Commission will hear an oral report on the establishment and functioning of the transparency repository.

(c) Preparation of a guide on the 1958 New York Convention

8. At its forty-first session, in 2008, the Commission agreed that work should be undertaken to eliminate or limit the effect of legal disharmony regarding the implementation of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)[7] by States, its interpretation and its application. The Commission was generally of the view that the outcome of the work should consist in the development of a guide on the New York Convention, with a view to promoting a uniform interpretation and application of the Convention. It was considered that such a guide could assist with problems of legal uncertainty resulting from its imperfect or partial implementation and could limit the risk that practices of States diverged from the spirit of the Convention. The Commission requested the Secretariat to study the feasibility of preparing such a guide. Also at that session, the Commission agreed that, resources permitting, the activities of the Secretariat in the context of its technical assistance programme could include dissemination of information on the judicial interpretation of the New York Convention, which would usefully complement other activities in support of the Convention.[8]

9. The Commission was informed, at its forty-fourth and forty-fifth sessions, in 2011 and 2012, that the Secretariat was carrying out a project on the preparation of a guide on the New York Convention, in close cooperation with two experts, E. Gaillard (Sciences Po Paris, École de Droit) and G. Bermann (Columbia University School of Law), who had established research teams to work on that project. The Commission had been informed that Mr. Gaillard and Mr. Bermann, in conjunction with their respective research teams and with the support of the

[4] Ibid., para. 80.
[5] Ibid., para. 79.
[6] Ibid., para. 98.
[7] United Nations, *Treaty Series*, vol. 330, No. 4739, p. 3.
[8] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), paras. 355 and 360.

Secretariat, had established a website (www.newyorkconvention1958.org) to make the information gathered in preparation of the guide on the New York Convention publicly available. The website was aimed at promoting the uniform and effective application of the Convention by making available details on its judicial interpretation by States parties. The Commission had also been informed that the UNCITRAL secretariat planned to maintain close connection between the cases in CLOUT (see para. 30 below) and the cases available on the website dedicated to the preparation of the guide on the New York Convention.[9] At its forty-fifth session, in 2012, the Commission expressed its appreciation for the establishment of the website on the New York Convention and the work done by the Secretariat, as well as by the experts and their research teams, and requested the Secretariat to pursue efforts regarding the preparation of the guide on the New York Convention.[10]

10. By paragraph 6 of its resolution 66/94, the General Assembly noted with appreciation the decision of the Commission to request the Secretariat to pursue its efforts towards the preparation of a guide on the Convention.[11] By paragraph 5 of its resolution 68/106, the General Assembly noted "with appreciation the projects of the Commission aimed at promoting the uniform and effective application of the Convention [...], including the preparation of a guide on the Convention, in close cooperation with international experts, to be submitted to the Commission at a future session for its consideration."

11. At its forty-sixth session, the Commission had before it an excerpt of the guide on the New York Convention for its consideration (A/CN.9/786). Concerns were expressed that a guide would indicate preference for some views over others, and would therefore not reflect an international consensus on the interpretation of the New York Convention. The question of the form in which the guide might be published was therefore raised. In response, it was pointed out that the drafting approach adopted in the preparation of the guide was similar to that of other UNCITRAL guides or digests.[12] The Commission requested the Secretariat to submit the guide to the Commission at its forty-seventh session for further consideration of the status of the guide and how it would be published.[13]

12. Pursuant to that request, the Commission at its forty-seventh session will have before it the text of the Guide (A/CN.9/786 and A/CN.9/814 and its addenda).

(d) International commercial arbitration moot competitions

13. An oral report will be presented on the Twenty-First Annual Willem C. Vis International Commercial Arbitration Moot competition, the Eleventh Willem C. Vis (East) International Commercial Arbitration Moot and the Sixth Madrid International Commercial Arbitration Competition.

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[9] Ibid., *Sixty-sixth Session, Supplement No. 17* (A/66/17), para. 252; and ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 135.

[10] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 136.

[11] See also General Assembly resolution 67/89, by which the General Assembly noted "with appreciation the projects of the Commission aimed at promoting the uniform and effective application of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, done at New York on 10 June 1958, including the preparation of a guide on the Convention."

[12] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 138-140.

[13] Ibid., para. 140.

(For suggested scheduling of meetings to consider this agenda item, see para. 69 below.)

5. Micro-, small- and medium-sized enterprises: progress report of Working Group I

14. At its forty-sixth session, in 2013, the Commission requested that a working group should commence work aimed at reducing the legal obstacles encountered by micro-, small- and medium-sized enterprises (MSMEs) throughout their life cycle, and, in particular, in developing economies.[14] At that session, the Commission also agreed that such work should start with a focus on the legal questions surrounding the simplification of incorporation.[15] The work was allocated to Working Group I.[16] The Working Group commenced its work on this topic at its twenty-second session (New York, 10-14 February 2014).

15. At its forty-seventh session, the Commission will have before it the report of the Working Group on the work of its twenty-second session (A/CN.9/800).

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

6. Online dispute resolution: progress report of Working Group III

16. In accordance with a decision of the Commission at its forty-third session, in 2010,[17] Working Group III (Online Dispute Resolution) commenced its work on the preparation of a legal standard on online dispute resolution for cross-border electronic transactions at its twenty-second session (Vienna, 13-17 December 2010) and continued that work through its twenty-ninth session (New York, 24-28 March 2014).

17. The Commission may wish to recall that, at its forty-sixth session, in 2013, it took note of the two-track system of procedural rules for online dispute resolution (the draft rules) being considered by the Working Group and commended the Working Group for the progress that had been made in completing a first reading of track II of the draft rules.[18] The Commission may also wish to recall its decision, made at its forty-fifth session,[19] in 2012, and confirmed at its forty-sixth session,[20] in 2013, that: (a) the Working Group should consider and report back at a future session of the Commission on how the draft rules would respond to the needs of developing countries and those facing post-conflict situations, in particular with regard to the need for an arbitration phase to be part of the process; (b) the Working Group should continue to include in its deliberations the effects of online dispute resolution on consumer protection in developing and developed countries and countries in post-conflict situations, including in cases where the consumer was the respondent party in an online dispute resolution process; (c) the Working Group should continue to explore a range of means of ensuring that online dispute

[14] Ibid., para. 321.
[15] Ibid.
[16] Ibid., para. 322.
[17] Ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 257.
[18] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 218-220.
[19] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 79.
[20] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 222.

resolution outcomes were effectively implemented, including arbitration and possible alternatives to arbitration; and (d) the mandate of the Working Group on online dispute resolution in respect of low-value, high-volume cross-border electronic transactions was reaffirmed, and that the Working Group was encouraged to continue to conduct its work in the most efficient manner possible.

18. At its forty-seventh session, the Commission will have before it the reports of the Working Group on the work of its twenty-eighth and twenty-ninth sessions (A/CN.9/795 and A/CN.9/801, respectively).

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

7. Electronic commerce: progress report of Working Group IV

19. At its forty-fourth session, in 2011, the Commission agreed that Working Group IV (Electronic Commerce) should be convened to undertake work in the field of electronic transferable records.[21] At that session, the Commission had noted that such work might include certain aspects of other topics, such as identity management, the use of mobile devices in electronic commerce and electronic single window facilities.[22]

20. The Working Group commenced its work in the field of electronic transferable records at its forty-fifth session (Vienna, 10-14 October 2011) and continued that work through its forty-ninth session (New York, 28 April-2 May 2014).

21. At its forty-seventh session, the Commission will have before it the reports of the Working Group on the work of its forty-eighth and forty-ninth sessions (A/CN.9/797 and A/CN.9/804, respectively).

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

8. Insolvency law: progress report of Working Group V

22. At its forty-third session, in 2010, the Commission endorsed the recommendation by Working Group V (Insolvency Law) contained in document A/CN.9/691, paragraph 104, that activity be initiated on two topics, both of which were of current importance, and where a greater degree of harmonization of national approaches would be beneficial in delivering certainty and predictability. Those topics were: (a) guidance on the interpretation and application of selected concepts of the UNCITRAL Model Law on Cross-Border Insolvency[23] relating to centre of main interests and possible development of a model law or provisions on insolvency law addressing selected international issues, such as jurisdictions, access and recognition, in a manner that would not preclude the development of a convention; and (b) responsibility and liability of directors of an enterprise in the period approaching insolvency.[24]

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[21] Ibid., *Sixty-sixth Session, Supplement No. 17* (A/66/17), para. 238.

[22] Ibid., para. 235.

[23] General Assembly resolution 52/158, annex.

[24] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 259.

23. The Working Group commenced its work on both topics at its thirty-ninth session (Vienna, 6-10 December 2010) and continued it through its forty-fifth session (New York, 21-25 April 2014). At its forty-sixth session, in 2013, the Commission, with respect to the first part of the mandate on the first topic, adopted the Guide to Enactment and Interpretation of the UNCITRAL Model Law on Cross-Border Insolvency,[25] and with respect to the first part of the mandate on the second topic, adopted part four of the UNCITRAL Legislative Guide on Insolvency Law, addressing the obligations of directors of an enterprise in the period approaching the insolvency of that enterprise.[26]

24. At its forty-fourth (Vienna, 16-20 December 2013) and forty-fifth (New York, 21-25 April 2014) sessions, the Working Group continued consideration of the remaining parts of the mandate on both topics and also discussed topics for possible future work, including insolvency issues specific to MSMEs, as requested by the Commission at its forty-sixth session[27] (for planned and possible future work in the area of insolvency law, see agenda item 16 (paras. 47 and 48 below)).

25. At its forty-seventh session, the Commission will have before it the reports of the Working Group on the work of its forty-fourth and forty-fifth sessions (A/CN.9/798 and A/CN.9/803, respectively).

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

9. Security interests: progress report of Working Group VI

26. At its forty-sixth session, in 2013, the Commission adopted the UNCITRAL Guide on the Implementation of a Security Rights Registry[28] and confirmed its decision that the Working Group should prepare a simple, short and concise model law on secured transactions based on the recommendations of the UNCITRAL Legislative Guide on Secured Transactions[29] and consistent with all texts prepared by UNCITRAL on secured transactions.[30, 31] The Working Group commenced its work on the draft model law at its twenty-fourth session (Vienna, 2-6 December 2013).

27. At its forty-seventh session, the Commission will have before it the reports of the twenty-fourth and twenty-fifth sessions of the Working Group (A/CN.9/796 and A/CN.9/802, respectively).

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

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[25] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 198.
[26] Ibid., para. 204.
[27] Ibid., paras. 325-326.
[28] Ibid., para. 191.
[29] United Nations publication, Sales No. E.09.V.12.
[30] Available at the date of this document from www.uncitral.org/uncitral/uncitral_texts/security.html.
[31] *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 194 and 332.

10. Technical assistance to law reform

28. At its forty-seventh session, the Commission will have before it a note by the Secretariat on technical assistance activities undertaken since the Commission's forty-sixth session and on the technical assistance resources, including UNCITRAL publications and the UNCITRAL website (A/CN.9/818).

29. The Commission will also have before it a bibliography of recent writings related to its work (A/CN.9/805).

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

11. Promotion of ways and means of ensuring a uniform interpretation and application of UNCITRAL legal texts

(a) Case Law on UNCITRAL texts (CLOUT)

30. At its twenty-first session, in 1988, the Commission decided to establish a system for collecting and disseminating information on court decisions and arbitral awards relating to conventions and model laws that had emanated from the work of the Commission, known as the "Case Law on UNCITRAL texts (CLOUT)".[32] The system intends to promote international awareness of such legal texts to enable judges, arbitrators, lawyers, parties to commercial transactions and other interested persons to take decisions and awards relating to those texts into account in dealing with matters within their responsibilities and to promote the uniform interpretation and application of those texts. CLOUT relies on a network of national correspondents designated by States parties to a convention emanating from the work of the Commission or that have enacted legislation based on an UNCITRAL model law. The Secretariat has regularly reported to the Commission on the performance of the system since its establishment.

31. At its forty-seventh session, the Commission will have before it a note by the Secretariat on the status and progress of CLOUT (A/CN.9/810).

(b) Digests of case law relating to UNCITRAL legal texts

32. At its thirty-fourth session, in 2001, the Commission, further to consideration of a note by the Secretariat (A/CN.9/498), requested the Secretariat to prepare a digest of case law on the United Nations Convention on Contracts for the International Sale of Goods[33] (Vienna, 1980). It was noted at that session that such analytical digest of court and arbitration cases, identifying trends in interpretation of the Convention, would be useful to foster its uniform interpretation. It was further noted at that session that, in drafting the digest, the Secretariat should avail itself of the help of the network of CLOUT national correspondents and avoid criticism of the decisions of national courts.[34] At its thirty-fifth session, in 2002, the Commission requested the Secretariat to prepare a similar digest of case law on the UNCITRAL Model Law on International Commercial Arbitration.[35] At its

[32] Ibid., *Forty-third Session, Supplement No. 17* (A/43/17), paras. 98-109.

[33] United Nations, *Treaty Series*, vol. 1489, No. 25567, p. 3.

[34] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 17* and corrigendum (A/56/17 and Corr.3), paras. 386-395.

[35] Ibid., *Fifty-seventh Session, Supplement No. 17* (A/57/17), para. 243.

forty-fifth session, in 2012, the Commission agreed that a digest on the UNCITRAL Model Law on Cross-Border Insolvency should be prepared, subject to the availability of resources in the Secretariat and encouraged the Secretariat to explore the possibility of collaborating with national correspondents and other experts to facilitate the preparation of the necessary analysis and case information.[36]

33. Since 2004, the Commission has regularly been informed by the Secretariat on the progress of work on the digests. In particular, the Commission may wish to recall that, at its forty-fifth session, in 2012, it was informed about the publication of the third revision of the *UNCITRAL Digest of Case Law on the United Nations Convention on Contracts for the International Sale of Goods: 2012 Edition*[37] and the *UNCITRAL 2012 Digest of Case Law on the Model Law on International Commercial Arbitration*.[38, 39] At its forty-sixth session, in 2013, the Commission was informed of the progress in the preparation of the digest of case law on the UNCITRAL Model Law on Cross-Border Insolvency.[40] The General Assembly, in its resolutions, has repeatedly expressed support for the work on digests.[41]

34. At its forty-seventh session, the Commission will have before it a note by the Secretariat (A/CN.9/810) (see para. 31 above), which will provide updates on the current activities concerning the digests.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

12. Status and promotion of UNCITRAL legal texts

35. At its forty-seventh session, the Commission will have before it a note by the Secretariat concerning the status of the conventions and model laws resulting from its work as well as the status of the New York Convention (A/CN.9/806).

36. The Commission will also hear an oral report concerning planned future work by the Secretariat to assist in the promotion of the United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea[42] ("the Rotterdam Rules") through the preparation of an accession kit in respect of the Convention.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

13. Coordination and cooperation

(a) General

37. At its forty-seventh session, the Commission will have before it a note by the Secretariat (A/CN.9/809) providing a brief survey of the activities undertaken by the

[36] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 156.

[37] Available at the date of this document from www.uncitral.org/uncitral/en/case_law/digests.html.

[38] United Nations publication, Sales No. E.12.V.9. Also available at the date of this document from www.uncitral.org/uncitral/en/case_law/digests.html.

[39] *Official Records of the General Assembly, Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 153 and 154.

[40] Ibid., *Sixty-eighth Session, Supplement No.17* (A/68/17), para. 238.

[41] Most recently, resolution 68/106, para. 20.

[42] General Assembly resolution 63/122, annex.

Secretariat since the Commission's forty-sixth session to ensure coordination with the work of other organizations active in the field of international trade law.

(b) Coordination and cooperation in the field of security interests

38. The Commission will also hear an oral report of the Secretariat on the progress achieved in: (a) the revision of the World Bank Insolvency and Creditor Rights Standard to take into account the key recommendations of the UNCITRAL Legislative Guide on Secured Transactions; and (b) the coordination efforts with the European Commission with a view to ensuring a coordinated approach to the law applicable to the third-party effects of assignments of receivables, taking into account the approach followed in the United Nations Convention on the Assignment of Receivables in International Trade[43] and the UNCITRAL Legislative Guide on Secured Transactions. The Commission may wish to renew the mandate given to the Secretariat to continue with these coordination efforts.

(c) Reports of other international organizations

39. At the forty-seventh session of the Commission, representatives of international organizations will be given an opportunity to apprise the Commission of their current activities and possible means of strengthening cooperation with UNCITRAL.

(d) International governmental and non-governmental organizations invited to sessions of UNCITRAL and its Working Groups

40. At its forty-seventh session, the Commission will hear an oral report concerning intergovernmental and non-governmental organizations invited to sessions of UNCITRAL.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

14. UNCITRAL regional presence

41. At its forty-seventh session, the Commission will have before it a note by the Secretariat providing, inter alia, a survey of the activities undertaken by the UNCITRAL Regional Centre for Asia and the Pacific since the Commission's forty-sixth session (A/CN.9/808).

42. At its forty-seventh session, the Commission will hear an oral report on the progress made in establishing UNCITRAL's presence in other regions.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

[43] General Assembly resolution 56/81, annex.

15. Role of UNCITRAL in promoting the rule of law at the national and international levels

43. The item has been on the agenda of the Commission since its forty-first session, in 2008,[44] in response to the General Assembly's invitation to the Commission to comment, in its report to the General Assembly, on the Commission's current role in promoting the rule of law.[45] At its forty-first to forty-sixth sessions, in 2008 to 2013, respectively, the Commission, in its annual reports to the General Assembly, transmitted comments on its role in promoting the rule of law at the national and international levels, including in the post-conflict reconstruction context. It expressed its conviction that the promotion of the rule of law in commercial relations should be an integral part of the broader agenda of the United Nations to promote the rule of law at the national and international levels, including through the Rule of Law Coordination and Resource Group supported by the Rule of Law Unit in the Executive Office of the United Nations Secretary-General.[46] This view was endorsed by the General Assembly.[47]

44. The Commission considered it essential to keep a regular dialogue with the Rule of Law Coordination and Resource Group through the Rule of Law Unit and to keep abreast of progress made in the integration of the work of UNCITRAL into the United Nations joint rule of law activities. To that end, it requested the Secretariat to organize briefings by the Rule of Law Unit biannually, when sessions of the Commission were held in New York.[48] The briefing consequently took place at the Commission's forty-fifth session, in 2012,[49] and the next rule of law briefing will take place at the Commission's forty-seventh session, in 2014.

45. In addition, at its forty-seventh session, the Commission will hear an oral report by the Chairman of its forty-sixth session and by the Secretariat on the implementation of the relevant decisions taken by the Commission at its forty-sixth session.[50] At its forty-seventh session, the Commission may also wish to take note of General Assembly resolution 68/116 on the rule of law at the national and international levels, by paragraph 14 of which the General Assembly invited the Commission to continue to comment, in its reports to the General Assembly, on its current role in promoting the rule of law. The Commission may also wish to note that, by paragraph 17 of that resolution, the General Assembly decided to focus the upcoming Sixth Committee debates at the sixty-ninth session of the General

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[44] For the decision of the Commission to include the item on its agenda, see *Official Records of the General Assembly, Sixty-second Session, Supplement No. 17* (A/62/17), part two, paras. 111-113.

[45] General Assembly resolutions 62/70, para. 3; 63/128, para. 7; 64/116, para. 9; 65/32, para. 10; 66/102, para. 12; and 67/97, para. 14.

[46] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 17* and corrigendum (A/63/17 and Corr.1), para. 386; ibid., *Sixty-fourth Session, Supplement No. 17* (A/64/17), paras. 413-419; ibid., *Sixty-fifth Session, Supplement No. 17* (A/65/17), paras. 313-336; ibid., *Sixty-sixth Session, Supplement No. 17* (A/66/17), paras. 299-321; ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 195-227; and ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 267-291.

[47] Resolutions 63/120, para. 11; 64/111, para. 14; 65/21 paras. 12 to 14; 66/94, paras. 15 to 17; 67/89, paras. 16 to 18; and 68/106, paras. 12 to 14.

[48] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 17* (A/65/17), para. 335.

[49] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 195-227.

[50] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), paras. 273 and 275.

Assembly, in 2014, under the agenda item "The rule of law at the national and international levels" on subtopic "Sharing States' national practices in strengthening the role of law through access to justice". At its forty-seventh session, the Commission, in formulating its comments to the General Assembly on its current role in promoting the rule of law, may therefore wish to focus on that subtopic. To facilitate the formulation by the Commission of the comments on that subtopic pursuant to the above-referred invitation by the General Assembly, a panel discussion will be organized by the Secretariat.

46. At its forty-seventh session, the Commission will also have before it a note by the Secretariat related to the promotion of the rule of law in commercial relations (A/CN.9/817).

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

16. Planned and possible future work

47. The Commission may wish to recall that at its forty-fourth session, in 2011, it requested the Secretariat to prepare for the next session of the Commission a note on strategic planning, with possible options and an assessment of their financial implications.[51] At its forty-fifth session, in 2012, the Commission had before it a note by the Secretariat (A/CN.9/752 and Add.1) submitted pursuant to that request. The Commission agreed to consider and provide guidance on UNCITRAL's strategic direction at its forty-sixth session.[52] At its forty-sixth session, the Commission had before it, in addition to the above-referred note by the Secretariat (A/CN.9/752 and Add.1), a note by the Secretariat on planned and possible future work by UNCITRAL (A/CN.9/774). The Commission formulated its position on issues of UNCITRAL's strategic direction in the context of areas that form, or may in future form, work for UNCITRAL. It also agreed that it should reserve time for discussion of future work as a separate topic at each Commission session.[53]

48. At its forty-seventh session, the Commission will have before it: notes by the Secretariat on planned and possible future work (A/CN.9/807 and A/CN.9/816); a note by the Secretariat on security interests in non-intermediated securities (A/CN.9/811); a report of the UNCITRAL International Insolvency Law Colloquium (Vienna, 16-18 December 2013) (A/CN.9/815), held pursuant to the decision of the Commission at its forty-sixth session, in 2013;[54] a report of the International Colloquium on Public-Private Partnerships (Vienna, 3-4 March 2014) (A/CN.9/821), held pursuant to the Commission's decision at its forty-sixth session;[55] and discussion papers presented by the Secretariat to that latter Colloquium (A/CN.9/819 and A/CN.9/820). The Commission may wish to consider issues of planned and possible future work taking into account, in addition to those documents, progress reports of its Working Groups and the Secretariat and conclusions reached at its forty-sixth session under this agenda item.[56]

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[51] Ibid., *Sixty-sixth Session, Supplement No. 17* (A/66/17), para. 343.
[52] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), paras. 228-232.
[53] Ibid., *Sixty-eighth Session, Supplement No. 17* (A/68/17), para. 310.
[54] Ibid., para. 325.
[55] Ibid., para. 331.
[56] Ibid., paras. 292-332.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

17. Relevant General Assembly resolutions

49. The Commission may wish to take note of the following four General Assembly resolutions adopted on the recommendation of the Sixth Committee: resolution 68/106 on the report of the United Nations Commission on International Trade Law on the work of its forty-sixth session; resolution 68/107 on revision of the Guide to Enactment of the Model Law on Cross-Border Insolvency and part four of the Legislative Guide on Insolvency Law of the United Nations Commission on International Trade Law; resolution 68/108 on United Nations Commission on International Trade Law Guide on the Implementation of a Security Rights Registry; and 68/109 on United Nations Commission on International Trade Law Rules on Transparency in Treaty-based Investor-State Arbitration and Arbitration Rules (as revised in 2010, with new article 1, para. 4, as adopted in 2013). Copies of the resolutions and the relevant report of the Sixth Committee (A/68/462) will be made available at the forty-seventh session of the Commission.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

18. Other business

50. The Commission may wish to recall that at its forty-fifth session, in 2012, it decided, while not relinquishing its entitlement to summary records under General Assembly resolution 49/221, to request that digital recordings continue to be provided at its forty-sixth and forty-seventh sessions, in 2013 and 2014, on a trial basis, in addition to summary records, as was done for the forty-fifth session. The Commission agreed that at its forty-seventh session, in 2014, it would assess the experience of using digital recordings and, on the basis of that assessment, take a decision regarding the possible replacement of summary records by digital recording. The Commission requested the Secretariat to report to the Commission on a regular basis on measures taken in the United Nations system to address possible problems with the use of digital recordings. It also requested the Secretariat to assess the possibility of providing digital recordings at sessions of UNCITRAL working groups, at their request, and to report to the Commission at its forty-seventh session, in 2014.[57] At the Commission's forty-seventh session, an oral report will be presented by the Secretariat on the experience with the use of digital recordings since the Commission's forty-fifth session.

51. An oral report will be presented on the internship programme in the Commission's secretariat.

52. The Commission will hear an oral report from the Secretariat on the results of evaluation by UNCITRAL of the role of the Secretariat in facilitating the work of the Commission since the start of the Commission's forty-sixth session on 8 July 2013.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

[57] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 249.

19. Date and place of future meetings

Forty-eighth session of the Commission

53. The forty-eighth session of the Commission will be held in Vienna. Tentative arrangements have been made for the session to be held from 29 June to 16 July 2015.

Sessions of working groups

54. At its thirty-sixth session, in 2003, the Commission agreed that: (a) working groups should normally meet for a one-week session twice a year; (b) extra time, if required, could be allocated from the unused entitlement of another working group provided that such arrangement would not result in the increase of the total number of 12 weeks of conference services per year currently allotted to sessions of all six working groups of the Commission; and (c) if any request by a working group for extra time would result in the increase of the 12-week allotment, it should be reviewed by the Commission, with proper justification being given by that working group regarding the reasons for which a change in the meeting pattern was needed.[58]

55. At its forty-fifth session, in 2012, the Commission took note that the General Assembly, by paragraph 48 of its resolution 66/246 on questions relating to the proposed programme budget for the biennium 2012-2013, decided to increase non-post resources in order to provide sufficient funding for servicing the work of the Commission for fourteen weeks and to retain the rotation scheme between Vienna and New York. In the light of that decision, the Commission noted that the total number of 12 weeks of conference services per year could continue being allotted to six working groups of the Commission meeting twice a year for one week if annual sessions of the Commission were no longer than two weeks.[59] Otherwise, adjustments would need to be made to extend the fourteen-week allotment imposed during the 2012-2013 biennium for all sessions of the Commission and its working groups.

Sessions of working groups between the forty-seventh and the forty-eighth sessions of the Commission

Working Group I (MSMEs)

56. The twenty-third session of the Working Group could be held in Vienna, from 17 to 21 November 2014, and the twenty-fourth session could be held in New York, from 13 to 17 April 2015.

Working Group II (Arbitration and Conciliation)

57. The sixty-first session of the Working Group could be held in Vienna, from 15 to 19 September 2014, and the sixty-second session could be held in New York, from 2 to 6 February 2015.

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[58] Ibid., *Fifty-eighth Session, Supplement No. 17* (A/58/17), para. 275.

[59] Ibid., *Sixty-seventh Session, Supplement No. 17* (A/67/17), para. 258.

Working Group III (Online Dispute Resolution)

58. The thirtieth session of the Working Group could be held in Vienna, from 20 to 24 October 2014, and the thirty-first session could be held in New York, from 9 to 13 February 2015.

Working Group IV (Electronic Commerce)

59. The fiftieth session of the Working Group could be held in Vienna, from 10 to 14 November 2014, and the fifty-first session could be held in New York, from 18 to 22 May 2015.

Working Group V (Insolvency Law)

60. The forty-sixth session of the Working Group could be held in Vienna, from 15 to 19 December 2014, and the forty-seventh session could be held in New York, from 26 to 29 May 2015.

Working Group VI (Security Interests)

61. The twenty-sixth session of the Working Group could be held in Vienna, from 8 to 12 December 2014, and the twenty-seventh session could be held in New York, from 20 to 24 April 2015.

Sessions of working groups in 2015 after the forty-eighth session of the Commission

Working Group I (MSMEs)

62. Tentative arrangements have been made for the twenty-fifth session of the Working Group to be held in Vienna, from 12 to 16 October 2015.

Working Group II (Arbitration and Conciliation)

63. Tentative arrangements have been made for the sixty-third session of the Working Group to be held in Vienna, from 7 to 11 September 2015.

Working Group III (Online Dispute Resolution)

64. Tentative arrangements have been made for the thirty-second session of the Working Group to be held in Vienna, from 5 to 9 October 2015.

Working Group IV (Electronic Commerce)

65. Tentative arrangements have been made for the fifty-second session of the Working Group to be held in Vienna, from 9 to 13 November 2015.

Working Group V (Insolvency Law)

66. Tentative arrangements have been made for the forty-eighth session of the Working Group to be held in Vienna, from 19 to 23 October 2015.

Working Group VI (Security Interests)

67. Tentative arrangements have been made for the twenty-eighth session of the Working Group to be held in Vienna, from 14 to 18 December 2015.

(For suggested scheduling of meetings to consider this agenda item, see para. 70 below.)

20. Adoption of the report of the Commission

68. The General Assembly, in its resolution 2205 (XXI) of 17 December 1966, decided that the Commission should submit an annual report to it and that the report should be submitted simultaneously to the United Nations Conference on Trade and Development for comments. Pursuant to a decision of the Sixth Committee,[60] the report of the Commission is introduced to the General Assembly by the chairperson of the Commission or by another officer designated by the chairperson.

(For suggested scheduling of meetings to consider this agenda item, see paras. 69 and 71 below.)

III. Scheduling of meetings and documentation

69. The Secretariat recommends that the Commission devote the time from 7 to 10 July 2014 to consideration of item 4 on the agenda and preliminary discussion of issues related to arbitration and conciliation under agenda item 16. Adoption of the report of the Commission on agenda item 4 may be expected to take place on Thursday, 10 July 2014.

70. The Secretariat recommends that the Commission devote the time on 11 July and from 14 to 16 July 2014 to consideration of the remaining items on the agenda. The afternoon of 16 July has been reserved for a rule of law briefing and panel discussion (see paras. 44 and 45 above).

71. No formal meetings will be held on Thursday, 17 July 2014, which will be used by the Secretariat to prepare the remaining parts of the draft report (i.e., not adopted on Thursday, 10 July 2014, see para. 69 above), which will be presented to the Commission for adoption on Friday, 18 July 2014. The UNCITRAL secretariat plans to hold a side event on that Thursday under the theme "UNCITRAL standards for transparency, accountability and good governance" on the margins of the forty-seventh session of UNCITRAL and the thirteenth session of the Open Working Group on Sustainable Development Goals (14-18 July 2014). The event will be open to participation by all States and relevant organizations. Details of the side event will be announced by the Secretariat separately.

72. It should be noted that the above recommendations on the scheduling of meetings are intended to assist States and invited organizations in planning the attendance of their pertinent representatives; the actual scheduling will be determined by the Commission itself.

[60] Ibid., *Twenty-third Session, annexes*, agenda item 88, document A/7408, para. 3.

73. Meetings will be held from 10 a.m. to 1 p.m. and from 3 p.m. to 6 p.m., except on Monday, 7 July, when the morning meeting will commence at 10:30 a.m. (see para. 1 above).

74. UNCITRAL documents are posted on the UNCITRAL website (www.uncitral.org/) upon their issuance in all the official languages of the United Nations. Delegates may wish to check the availability of the documents for the forty-seventh session by accessing the page of the forty-seventh session of the Commission in the "Commission Documents" section of the UNCITRAL website (www.uncitral.org/).